

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOHN D. CERQUEIRA,

Plaintiff,

v.

AMERICAN AIRLINES, INC.,

Defendant.

CIVIL ACTION NO.: 05-11652 WGY

**DEFENDANT AMERICAN AIRLINES, INC.'S OPPOSITION TO PLAINTIFF'S
FOURTH MOTION IN LIMINE SEEKING TO PRECLUDE AMERICAN AIRLINES,
INC. FROM INTRODUCING INTO EVIDENCE INFORMATION REGARDING THE
SECURITY CONCERNS IN EXISTENCE AT THE TIME AMERICAN AIRLINES,
INC.'S SYSTEM OPERATIONS CONTROL MANAGER DECIDED TO DENY
REBOOKING TO MR. CERQUEIRA**

On December 28, 2003, American Airlines, Inc. ("American") removed Mr. Cerqueira and two other passengers from Flight 2237 for questioning due to their unusual behavior. The three passengers were questioned by Massachusetts State Police and eventually were told that they were free to go. However, the manager on duty of System Operations Control (SOC) at American, Craig Marquis, decided not to allow them to rebook travel on American on that date because of security concerns. That decision is documented in the Passenger Name Record attached as Exhibit 4 to Plaintiff's motion.

Because Mr. Marquis and his subordinate, Rhonda Cobbs, have no independent recollection at this time of the security concerns leading to the decision to preclude plaintiff and two other passengers from travel on American on December 28, 2003, and because the specific nature of the security concerns in existence at the time of that decision are not reflected in documentation prepared personally by or at the direction of Mr. Marquis, plaintiff now seeks to

exclude from evidence testimony regarding the security concerns underlying the events that transpired on December 28, 2003. For the reasons set forth herein, American should be allowed to introduce testimony regarding the myriad of security issues raised in connection with Flight 2237 on December 28, 2003.

At deposition, Mr. Marquis and Ms. Cobbs both testified that they have no independent memory of the facts and circumstances surrounding the decision to preclude plaintiff and two other passengers from traveling on Flight 2237. However, Mr. Marquis and Ms. Cobbs testified extensively about the manner in which such decisions are made, and confirmed that the documentation that was prepared contemporaneously with the events in question match that which he would expect from an incident of this kind. Deposition of Craig Marquis, pp. 21, 26-29, 39-40, hereinafter "Marquis Dep.," attached hereto as Exhibit 1. The SOC manager has information from multiple sources in his or her possession when making critical rebooking decisions; in this case, that information is reflected in reports made by the captain and flight attendants.¹ Marquis Dep., pp. 28-29. The SOC manager also has extensive communications with the captain. Marquis Dep., p. 28. Moreover, the SOC manager would be in contact with law enforcement personnel on the ground. Marquis Dep., p. 29.

Captain Ehlers' report and that of Flight Attendant Sargent make it clear that the flight crew and law enforcement agents were concerned that the plaintiff or one of the other removed passengers may have had a box cutter at the security check point, and that law enforcement was sufficiently concerned to remove the passengers, rescreen them, and bring in bomb-detecting dogs. Though Mr. Marquis may have no independent memory of these events at the present

¹ Although Mr. Marquis testified that he did not recall seeing the reports generated by Captain Ehlers and the flight attendants prior to preparing for his deposition, he testified that standard protocol requires extensive communication between the SOC manager and the captain of a flight on which a security incident is transpiring. Marquis Dep., pp. 23-24, 28.

time, his actions must be evaluated in light of the circumstances in existence when he made the decision to preclude plaintiff and two other passengers from rebooking with American on the day in question.

The cases cited in Plaintiff's motion lend little or no support to his contentions. As a preliminary matter, unlike the cases cited by Plaintiff, American does not assert that the decision to deny rebooking was for unspecified security concerns. Rather, contemporaneous documentation prepared by American's employees demonstrates the precise nature of those concerns; therefore, the citations to *Loeb v. Textron, Inc.*, *Marcano-Rivera v. Pueblo Int'l, Inc.* and *IMPACT v. Firestone* have no bearing. *Marcano-Rivera*, 232 F.3d 245, 251 (1st Cir. 2000) (also irrelevant insofar it discusses evidence required to avoid Rule 50 dismissal); *IMPACT*, 893 F.2d 1189, 1194 (11th Cir.1990); *Loeb*, 600 F.2d 1003, 1012 (1st Cir.1979). Moreover, the cases cited by Plaintiff, save one, arise in the context of analyzing the prima facie case required to prove employment discrimination rather than in context of admissibility of evidence in a trial regarding provision of airline services. Finally, the *Simmons v. American Airlines* case also lends no credence to Plaintiff's contentions. In that case, the court reversed an award of summary judgment in favor of American Airlines because, when analyzing the case in the light most favorable to the plaintiff, it found insufficient evidence that lent support for the propositions advanced by American to justify its decision to deny service to a passenger. *Simmons*, 34 Fed. Appx. 573 at 4. The *Simmons* court made no finding as to whether the nature of the evidence would be sufficient to support a jury verdict in American's favor; the fact that the case was remanded for further proceedings suggests that the *Simmons* court believed American's proffered reasons for denying service were strong enough to merit a jury's consideration. *Id.*

Because there is no basis in law or fact to preclude a jury from hearing evidence regarding the security concerns that existed at the time Mr. Marquis made his decision to deny rebooking to the plaintiff and two other passengers, American requests that this Court DENY plaintiff's fourth motion in limine, with prejudice.

Respectfully submitted,
AMERICAN AIRLINES, INC.
By its Attorneys,

/s/ Amy Cashore Mariani

Michael A. Fitzhugh, (BBO 169700)
Amy Cashore Mariani, (BBO #630160)
FITZHUGH, PARKER & ALVARO LLP
155 Federal Street, Suite 1700
Boston, MA 02110-1727
(617) 695-2330

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on November 30, 2006.

/s/ Amy Cashore Mariani
Amy Cashore Mariani

05-11652-WGY

John D. Cerqueira

vs.

American Airlines

Deposition of Craig Marquis

June 15, 2006



Tracey D. Smith, CSR, RMR
Collins Realtime Reporting
Dallas, Texas 75201
214-220-2449
www.collinsrealtime.net

Craig Marquis

June 15, 2006

Page 1

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOHN D. CERQUEIRA,)
)
Plaintiff)

V.) CIVIL ACTION NO.
) 05-11652-WGY
AMERICAN AIRLINES, INC.,)

Defendant)

ORAL DEPOSITION OF
CRAIG MARQUIS
JUNE 15, 2006

ORAL DEPOSITION OF CRAIG MARQUIS, produced as a
witness at the instance of the Plaintiff, and duly sworn,
was taken in the above-styled and numbered cause on the
15th of June, 2006, from 2:30 p.m. to 3:37 p.m., before
Thu Bui, CSR in and for the State of Texas, reported by
machine shorthand, at the offices of American Airlines,
4333 Amon Carter Boulevard, Fort Worth, Texas, pursuant
to the Fed.R.Civ.P.30.

Craig Marquis

June 15, 2006

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2 Mr. Michael T. Kirkpatrick</p> <p>3 PUBLIC CITIZENS LITIGATION GROUP</p> <p>4 1600 200th Street, N.W.</p> <p>5 Washington, D.C. 20009</p> <p>6 Phone: 202-588-7728 Fax: 202-588-7795</p> <p>7 Email: mkirkpatrick@citizen.org</p> <p>8 APPEARING FOR THE PLAINTIFF</p> <p>9 Mr. Michael A. Fitzhugh</p> <p>10 FITZHUGH, PARKER & ALVARO LLP</p> <p>11 155 Federal Street, Suite 1700</p> <p>12 Boston, Massachusetts 02110-1727</p> <p>13 Phone: 617-695-2330 Fax: 617-695-2335</p> <p>14 Email: mfitzhugh@fitzhughlaw.com</p> <p>15 APPEARING FOR THE DEFENDANT</p>	<p style="text-align: right;">Page 4</p> <p>1 CRAIG MARQUIS,</p> <p>2 having been first duly sworn, testified as follows:</p> <p>3 EXAMINATION</p> <p>4 BY MR. KIRKPATRICK:</p> <p>5 Q Good afternoon, Mr. Marquis.</p> <p>6 A Hello.</p> <p>7 Q We met earlier, but just for the record, my name</p> <p>8 is Michael Kirkpatrick and I represent John Cerqueira,</p> <p>9 who has brought this case against American Airlines.</p> <p>10 MR. KIRKPATRICK: Mr. Fitzhugh, same</p> <p>11 stipulations as the last one?</p> <p>12 MR. FITZHUGH: Yes.</p> <p>13 You'll have an opportunity to read and sign</p> <p>14 your deposition transcript, but there won't be a need for</p> <p>15 a notarization, but I'll get it transmitted to you.</p> <p>16 THE WITNESS: Okay.</p> <p>17 Q Mr. Marquis, would you just state your name and</p> <p>18 address for the record, please?</p> <p>19 A Craig Marquis, M-a-r-q-u-i-s, address, 4403</p> <p>20 Spring Creek Road, Arlington, Texas, 76017-1268.</p> <p>21 Q Mr. Marquis, have you had your deposition taken</p> <p>22 before?</p> <p>23 A For this case?</p> <p>24 Q No, in any case.</p> <p>25 A Yes, I have.</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX</p> <p>2 PAGE</p> <p>3 Appearances..... 2</p> <p>4 Stipulations..... 4</p> <p>5 CRAIG MARQUIS</p> <p>6 Examination by Mr. Kirkpatrick..... 4</p> <p>7 Examination by Mr. Fitzhugh..... 41</p> <p>8 Signature and Changes..... 44</p> <p>9 Reporter's Certificate..... 46</p>	<p style="text-align: right;">Page 5</p> <p>1 Q About how many times?</p> <p>2 A I believe I've been deposed two other times.</p> <p>3 Q What were those cases about?</p> <p>4 A One was for 9-11 and one was for a job that I</p> <p>5 had prior to the airline business.</p> <p>6 Q I just want to quickly go over the ground rules</p> <p>7 for today. I am here to ask you some questions, to</p> <p>8 gather some information, and your job is simply to give</p> <p>9 me your best and -- and most honest answer. You are</p> <p>10 under oath as though we were in a court of law even</p> <p>11 though we're in this informal atmosphere.</p> <p>12 It's important because the court reporter</p> <p>13 is taking down my questions and your answers that we not</p> <p>14 speak at the same time, so I would just ask that you wait</p> <p>15 until I finish my question before you start to give your</p> <p>16 answers so that we get a clean transcript. Also if you</p> <p>17 don't understand one of my questions, please let me know</p> <p>18 and I'll try to repeat it or rephrase it so that you do</p> <p>19 understand it.</p> <p>20 And if Mr. Fitzhugh objects to some of my</p> <p>21 questions, those are objections for the record that we'll</p> <p>22 deal with later if we need to. But unless he instructs</p> <p>23 you not to answer, you should still try to answer my</p> <p>24 question even though he's made an objection for the</p> <p>25 record.</p>

2 (Pages 2 to 5)

Craig Marquis

June 15, 2006

<p style="text-align: right;">Page 6</p> <p>1 And I don't think it'll take us too long 2 this afternoon, but if you need a break let me know and 3 I'm happy to stop and take a break. But I would ask that 4 we finish the -- the question that's pending and maybe 5 the line of questioning and find a convenient place to 6 take a break if we need to do that. 7 Do you understand these instructions? 8 A Yes, I do. 9 Q Do you know of any reason that would prevent you 10 today from giving me your best full and honest answers? 11 A None. 12 Q Did you do anything to prepare for the 13 deposition today? 14 A Yes, I did. 15 Q What did you do? 16 A I read the information that Michael had sent me, 17 just the due diligence, so that I could prepare and give 18 an accurate and helpful testimony. 19 Q What were those documents, do you recall? 20 A They were letters back and forth from different 21 attorneys, the letter from the client, the letter back 22 from American Airlines in response. 23 Q Is it your understanding that those are 24 documents that the parties have exchanged in the course 25 of this lawsuit?</p>	<p style="text-align: right;">Page 8</p> <p>1 Q How many people do you have working for you on a 2 particular shift? 3 A I'm the operational manager for the whole 4 airline, so the whole airline works for me. 5 Q Okay. What about within SOC, within your sort 6 of work place, how many people do you typically have 7 helping you carry out your duties? 8 A In SOC at one time? 9 Q Yeah. 10 A Probably 3' or 400. SOC encompasses a lot of 11 different departments. 12 Q And you're in charge of all of SOC; is that 13 right? 14 A That's correct. 15 Q Can you explain to me the position of CCRO and 16 how that position interacts with the SOC manager? 17 A The CCRO is a federally mandated position; it's 18 corporate complaint resolution officer. Those people 19 were trained in the laws of disabilities, and they know 20 the rules and regulations, either the law or American 21 Airlines guidelines and rules, and they sit two seats 22 down from my position, very close relationship, a lot of 23 interaction. 24 Q And have you been trained in the same things 25 that the CCRO's have been trained in?</p>
<p style="text-align: right;">Page 7</p> <p>1 A Yes. 2 Q Other than your discussions with -- with the 3 lawyers for American Airlines, did you talk to anybody 4 else about today's deposition? 5 A No. 6 Q How long have you been employed by American 7 Airlines? 8 A 19 years. 9 Q What is your current position? 10 A I'm the operational manager in SOC, which is 11 system operations control. 12 Q How long have you had that job? 13 A Approximately six years. 14 Q Could you describe for me your duties in that 15 position? 16 A I represent higher management on this side of 17 the highway to operate the published schedule efficiently 18 and safely. 19 Q And on a daily basis, what are the kinds of 20 tasks that you're required to carry out in order to keep 21 the operation operating on schedule and safely? 22 A I take into consideration equipment that may be 23 out of service, manpower issues, air traffic control 24 issues, weather issues, safety issues, security issues, 25 environmental issues.</p>	<p style="text-align: right;">Page 9</p> <p>1 A I have not. 2 Q Do you supervise the CCRO? 3 A I do. 4 Q Prior to becoming operations manager, what other 5 positions did you have at American Airlines? If you 6 could just sort of work back in time, tell me the other 7 jobs you've had. 8 A I started as an assistant dispatcher, then 9 became a dispatcher, then became an equipment coordinator 10 and became a sector manager and then a center manager. 11 Q Is there only one CCRO on duty at a time? 12 A There is only one CCRO position. 13 Q Were you working on December 28, 2003? 14 A Yes, I was. 15 Q What time did your shift start that day? 16 A I believe 6:00 a.m., central. 17 Q And on that day, did you become aware that there 18 was an incident or concern with respect to Flight 2237, 19 which was a scheduled flight from Boston Logan Airport to 20 Ft. Lauderdale? 21 A I do not recall. 22 Q Is it your understanding, from the documents you 23 reviewed, that an incident occurred that day that 24 involved the removal of some passengers from that flight? 25 A Yes.</p>

3 (Pages 6 to 9)

Thu Bui, CSR

Collins Realtime Reporting

214-220-2449

Craig Marquis

June 15, 2006

<p style="text-align: right;">Page 10</p> <p>1 Q Other than what you've learned by preparing for 2 this deposition, do you have any specific recollection of 3 what you did on December 28, 2003 with respect to that 4 flight out of Boston Logan? 5 A No. 6 Q Do you have any specific recollection of anybody 7 you talked to that day, any conversations you had 8 regarding the incident with Flight 2237? 9 A No. 10 Q Do you know how long you were involved in 11 matters relating to that Flight 2237? 12 A I don't recall. 13 Q Do you recall how you were first made aware, I'm 14 assuming that you were, that there was an incident with 15 that flight? 16 A Again, I don't recall. 17 Q Do you have any recollection of any tasks that 18 you carried out on December 28, 2003 with regard to the 19 removal of passengers or denial of re-booking related to 20 that flight? 21 A I do not recall. 22 Q Did you have any role in the decision to remove 23 three passengers from Flight 2237 for questioning by law 24 enforcement? 25 A No, I do not recall.</p>	<p style="text-align: right;">Page 12</p> <p>1 remove those passengers for questioning, am I right? 2 A That's correct. 3 Q On December 28, 2003, did you do anything to 4 determine whether any of the passengers on that flight 5 posed a security threat? 6 A I do not recall. 7 MR. FITZHUGH: If it'll help, we can 8 stipulate that's the day. You can just say on the day in 9 question. 10 MR. KIRKPATRICK: Thank you. 11 Q And when I say "the incident", we all know what 12 I'm referring to. 13 A Okay. 14 MR. FITZHUGH: We'll so stipulate. 15 Q Did you draw any conclusions on that day about 16 whether John Cerqueira was a security risk? 17 A I do not recall. 18 Q Did you do any type of investigation about 19 Mr. Cerqueira or the other two passengers removed from 20 that flight? 21 A I do not recall. 22 Q On that date, did you learn the results of any 23 law enforcement questioning of these passengers in 24 Boston? 25 A I do not recall.</p>
<p style="text-align: right;">Page 11</p> <p>1 Q Do you recall whether anyone at SOC was 2 involved, any person other than yourself, do you recall 3 anybody else was -- was working on incidents related to 4 this Flight 2237? 5 MR. FITZHUGH: Objection, form. 6 You can still answer if you -- 7 Q If you understand my question. 8 MR. KIRKPATRICK: It wasn't a good 9 question, but I think he understands what I'm saying. 10 Q Was there anybody else that you can recall right 11 now, this is the guy who handled that incident, do you 12 recall anybody else who was directly involved in this 13 incident? 14 A I do not recall. 15 Q Do you know who made the decision to have three 16 passengers removed from Flight 2237? 17 A Other than the information from the paperwork? 18 Q Okay. Yeah. Setting aside anything that you've 19 learned -- 20 A No. 21 Q -- from the paperwork you looked at in 22 preparation for today's deposition? 23 A No, I do not recall. 24 Q Okay. And I take it that you then do not recall 25 what the specific reasons were for that decision to</p>	<p style="text-align: right;">Page 13</p> <p>1 Q Did you communicate with the pilot to that 2 flight -- it was Captain John Ehlers -- did you 3 communicate with him on that day? 4 A I do not recall. 5 Q Who made the decision to deplane all the 6 passengers and re-screen them? 7 A I do not recall. 8 Q Who made the decision to have dogs brought onto 9 the plane? 10 A I do not recall. 11 Q Were you involved in making the decision that 12 the three passengers removed for questioning would not be 13 rebooked on the later American Airlines flight that day? 14 A I do not recall. 15 Q Do you know the basis for the decision not to 16 rebook those passengers on a later flight? 17 A I do not recall. 18 Q Do you recall anybody that you received 19 information from on that date about this incident? 20 A I do not recall. 21 Q Do you recall anybody that you provided 22 information to on that date about this incident? 23 A No. 24 Q Do you know when the decision was made to deny 25 further service to these three passengers?</p>

4 (Pages 10 to 13)

Craig Marquis

June 15, 2006

<p style="text-align: right;">Page 14</p> <p>1 A No.</p> <p>2 Q Do you know how the decision not to rebook these</p> <p>3 passengers was communicated to American Airlines'</p> <p>4 personnel in Boston?</p> <p>5 A I do not recall.</p> <p>6 Q Do you know whether the three individuals</p> <p>7 removed from the flight are barred from further travel on</p> <p>8 American Airlines?</p> <p>9 A Other than from the deposition or other from the</p> <p>10 paperwork? It was stated in the paperwork that they as</p> <p>11 of January 6th, is that correct, 2004, they allowed that</p> <p>12 person to travel; is that correct?</p> <p>13 Q Okay. There are documents, yes, that --</p> <p>14 A I remember reading that in the document, --</p> <p>15 Q In preparation --</p> <p>16 A -- that's all the information I know.</p> <p>17 Q Okay. Other than any review of documents you</p> <p>18 did in preparation for this deposition, do you have any</p> <p>19 knowledge about whether these individuals -- how long the</p> <p>20 denial of service lasted?</p> <p>21 MR. FITZHUGH: Objection, form. Why don't</p> <p>22 you ask for each particular person?</p> <p>23 MR. KIRKPATRICK: Okay.</p> <p>24 Q With regard to Mr. Cerqueira, do you know how</p> <p>25 long he was barred from travel on American Airlines?</p>	<p style="text-align: right;">Page 16</p> <p>1 Q In preparation for this deposition, did you see</p> <p>2 any documents that you had a hand in preparing?</p> <p>3 A Other than the ones that were in the file, no.</p> <p>4 Q Okay. Let's take a look at some documents,</p> <p>5 because I'm not privy to what was in the file that you</p> <p>6 looked at. But I'd like to just take a look at a series</p> <p>7 of documents and, first, if you can tell me whether it's</p> <p>8 one of the documents you reviewed in preparation for the</p> <p>9 deposition, that would be helpful.</p> <p>10 First, I'm going to show you what was</p> <p>11 previously marked as Exhibit 12, and this is a passenger</p> <p>12 name record for John Cerqueira. And it's five pages, so</p> <p>13 if you want to take a moment to familiarize yourself with</p> <p>14 it.</p> <p>15 A I have seen this PNR.</p> <p>16 Q When did you see it first?</p> <p>17 A I saw this PNR a couple of weeks ago when I was</p> <p>18 giving information on a case for Michael.</p> <p>19 Q To prepare for the deposition?</p> <p>20 A That's correct.</p> <p>21 Q On December 28, 2003, did you add any</p> <p>22 information to the detail notes for the event with this</p> <p>23 ID number?</p> <p>24 A No, I don't do that.</p> <p>25 Q Did you instruct Rhonda Cobbs to add any</p>
<p style="text-align: right;">Page 15</p> <p>1 A Other from that documentation, I do not.</p> <p>2 Q With regard to the other passengers removed from</p> <p>3 that flight, and the first one who is apparently in the</p> <p>4 aisle seat, Oren Ashmil, do you know how long he was</p> <p>5 barred from travel on American Airlines?</p> <p>6 A No.</p> <p>7 Q What about for Vittorio Daniel Rokah, who was in</p> <p>8 the middle seat?</p> <p>9 A No.</p> <p>10 Q Before preparing for today's deposition, did</p> <p>11 anybody from American Airlines contact you after</p> <p>12 December 28, 2003 to discuss this incident?</p> <p>13 A Alec did.</p> <p>14 Q That would be Alec Bramlett?</p> <p>15 A That's correct.</p> <p>16 Q Do you recall when that was?</p> <p>17 A I do not. I was on shift; he called, asked me</p> <p>18 if I recalled; I did not.</p> <p>19 Q Do you have any -- do you have any --</p> <p>20 A Can I look at this?</p> <p>21 MR. FITZHUGH: No. That's for the</p> <p>22 stenographer, just for some names.</p> <p>23 Q Did you prepare any documents or reports the day</p> <p>24 of the incident regarding the incident?</p> <p>25 A I do not recall.</p>	<p style="text-align: right;">Page 17</p> <p>1 information to this passenger name record?</p> <p>2 A I do not recall.</p> <p>3 Q Did you instruct Nicole Traer to add any</p> <p>4 information to this passenger name record?</p> <p>5 A I do not recall.</p> <p>6 Q Mr. Marquis, if you would please turn to the</p> <p>7 second page, which is AA0024, and the -- the first entry</p> <p>8 under the -- the time stamp, correct me if I'm wrong, but</p> <p>9 I believe this means passenger denied travel on Flight</p> <p>10 2237 per SOC Craig, due to security issue. CCRO will add</p> <p>11 event number shortly. Please refund tickets due to deny.</p> <p>12 Boston customer service manager, N. Traer; is that</p> <p>13 correct?</p> <p>14 A I see that.</p> <p>15 Q Does the notation, per SOC Craig due to security</p> <p>16 issue, do you believe that that's referring to you?</p> <p>17 A Yes.</p> <p>18 Q Does this refresh your recollection at all</p> <p>19 about -- about whether you made a decision to deny</p> <p>20 boarding and refund the tickets to this passenger?</p> <p>21 A It does not.</p> <p>22 Q Looking down then, just a couple of lines below</p> <p>23 that, there's an entry with the event ID number. And it</p> <p>24 states that above passenger denied boarding Flight 2237</p> <p>25 Boston-Ft. Lauderdale per SOCMOD, due security issues</p>

5 (Pages 14 to 17)

Thu Bui, CSR Collins Realtime Reporting 214-220-2449

Craig Marquis

June 15, 2006

<p style="text-align: right;">Page 18</p> <p>1 refund ticket. Do not rebook on AA. And that, 2 apparently, was input by Rhonda Cobbs. Are you the -- 3 were you the SOC, I guess, manager on duty that day? 4 A Yes, I was. 5 Q Do you recall telling Rhonda Cobbs that this 6 passenger should not be rebooked on American Airlines? 7 A I do not recall. 8 Q I think I can -- we're done with that exhibit. 9 Mr. Marquis, I'm showing you what's been previously 10 marked as Deposition Exhibit 18. If you wouldn't mind 11 taking a look at these -- these pages that have been 12 collected together and labeled Exhibit 18. Let me know 13 when you got a chance to take a look at it. 14 A Okay. 15 Q Do the documents we've labeled as Exhibit 18, 16 are these among the documents you reviewed in preparation 17 for the deposition? 18 A I'm not sure these all were here, but I 19 remember -- I remember seeing the aircraft -- the 20 aircraft routing, some of the crew information. I don't 21 recall that all of these were in that paperwork. 22 Q Do any of these exhibit pages in Exhibit 18, do 23 any of them refresh your recollection about the incident? 24 A They do not. Mr. Kirkpatrick, it doesn't seem 25 to be anything spectacular or outstanding about all the</p>	<p style="text-align: right;">Page 20</p> <p>1 specifically what she observed? 2 A I do not recall. 3 Q It also indicates that law enforcement officers 4 removed passengers, detained, questioned, and released 5 them. Do you recall anything about what law enforcement 6 did with respect to these passengers? 7 A No, I do not. 8 Q It says, per SOCMOD passengers denied boarding 9 and tickets refunded; do you recall any specific reasons 10 why that decision was made? 11 A I do not. 12 Q It also says that security search of aircraft 13 was performed by dogs; do you recall specifically why 14 that was done? 15 A I do not. 16 Q And it says that the flight attendants were 17 replaced due to trauma; do you recall what it was that 18 caused that trauma? 19 A I do not. 20 Q Thank you. I'm handing you what's been marked 21 as Exhibit 13. Is this one of the documents you reviewed 22 in preparation for today's deposition? 23 A It may have been. 24 Q Thank you. I'm handing you what's been marked 25 as Exhibit 11. What is Exhibit 11?</p>
<p style="text-align: right;">Page 19</p> <p>1 paperwork that I've looked at that would stay in my mind. 2 Q So, in other words, none of that has refreshed 3 your recollection? 4 A That's correct. 5 Q Okay. Thank you, for -- for cutting to the 6 chase there. I am though, just for the record, going to 7 put you through a few more paces here. 8 A That's fine. 9 Q If you wouldn't mind taking a quick look at 10 Exhibit 14, and is this a document that you reviewed in 11 preparation for today's deposition? 12 A I don't recall. I mean, there was a lot of -- 13 this is just general reporting for an event. There's no 14 reason that this piece should stand out. 15 Q Okay. 16 A It's just reporting. 17 Q All right. I'd like to ask you a couple of 18 questions following up on -- on this Exhibit 14. Where 19 it says, passengers reportedly exhibited suspicious 20 behavior in airport towards captain, do you know 21 specifically what behavior that was? 22 A I do not recall. 23 Q It -- it continues that there was some sort of 24 suspicious behavior on the aircraft observed by Number 2 25 flight attendant, Boston based S. Walling; do you know</p>	<p style="text-align: right;">Page 21</p> <p>1 A It looks like a request to -- from a flight 2 service manager or person asking the flight attendants to 3 submit a report. 4 Q Do you know whether reports were solicited at 5 your instruction? 6 A I do not recall. 7 Q What would be the purpose of asking the flight 8 service people to file a report? 9 A Just for information gathering. 10 Q Who do those reports go to, in other words, any 11 reports generated, you know, by flight attendants or 12 the -- the captain relating to this incident, would those 13 ordinarily be something that would go back to SOC manager 14 on duty or -- 15 A If I requested them specifically, they come to 16 me. If I didn't, then there's a reporting system called 17 the Event Call Center and they're submitted to the Event 18 Call Center, and flight service then handles them. 19 Q If they're submitted to that Event Call Center, 20 in your position, would you ever have reason to go back 21 and review them? 22 A Hypothetically? 23 Q Yeah. 24 A If I had a question, I'd go and look at them. 25 Q Do you know whether you did, with respect to</p>

6 (Pages 18 to 21)

Craig Marquis

June 15, 2006

<p style="text-align: right;">Page 22</p> <p>1 this incident, whether you went to look at any reports 2 that were filed? 3 A I do not recall. There's nothing outstanding on 4 this report, you know, it isn't a 9-11, it isn't Richard 5 Reid, it isn't, you know, a passenger being shot by FAMS. 6 There's nothing here that stands out. 7 Q All right. Okay. Thank you. 8 A You're welcome. 9 MR. FITZHUGH: FAMS means Federal Air 10 Marshals? 11 THE WITNESS: That's correct. 12 Q In preparation for today's deposition, did you 13 review call center reports filed by the flight 14 attendants? 15 A The only thing I reviewed was the paperwork that 16 I received from Michael. 17 Q Okay. I'm going to show you a series of 18 exhibits, there's about five of them. And my question is 19 going to be the same for each, and it's whether you have 20 seen it before. 21 A Seen them, okay. 22 Q And if so, whether you saw it in preparation for 23 today's deposition or somewhere else. 24 MR. FITZHUGH: Could we go off the record? 25 It may help.</p>	<p style="text-align: right;">Page 24</p> <p>1 Q Anywhere else? 2 A No, sir. 3 Q I'm handing you what's been marked as Deposition 4 Exhibit 16. This has been previously identified as the 5 statement of Captain Ehlers. Have you seen this before? 6 A Yes. 7 Q In preparation for today? 8 A That's correct. 9 Q Anywhere else? 10 A No, sir. 11 Q Are there any other documents or reports that 12 were prepared contemporaneously to this incident by 13 American Airlines' personnel that you reviewed, and that 14 we haven't looked at today? 15 A No, not that I know of. 16 Q Okay. Did you prepare any written report 17 related to this incident? 18 A I did not. 19 Q Do you know whether the CCRO that day prepared 20 any written report other than the detail notes that we've 21 looked at? 22 A No. 23 Q You don't know or she did not? It wasn't a very 24 good question. 25 A The information you have there with Rhonda's</p>
<p style="text-align: right;">Page 23</p> <p>1 (Off the record from 3:01 to 3:01 p.m.) 2 Q Mr. Marquis, I'm handing you Exhibit 1, which 3 has previously been identified as a call center report of 4 Flight Attendant Walling. Have you seen this before? 5 A Yes. 6 Q In preparation for today's deposition? 7 A That's correct. 8 Q Anywhere else? 9 A No, sir. 10 Q I'm handing you what's been marked as Exhibit 5. 11 This has been previously identified as the call center 12 report of Flight Attendant Sargent. Have you seen this 13 document before? 14 A Yes. 15 Q In preparation for today's deposition? 16 A That's correct. 17 Q Anywhere else? 18 A No, sir. 19 Q I'm handing you what's been previously marked as 20 Exhibit 9, which has been identified as a call center 21 report of Flight Attendant Milencovic. Have you seen 22 this before? 23 A Yes, I have. 24 Q In preparation for today? 25 A That's correct.</p>	<p style="text-align: right;">Page 25</p> <p>1 name on it is the correct way that we report, -- 2 Q And -- 3 A -- that is the only report that she would do. 4 Q Okay. And as far as you know, that represents 5 the totality of what she recorded that day? 6 A That's correct. 7 Q Thank you. You mentioned earlier that 8 Mr. Bramlett contacted you to discuss this incident at 9 some time after December 20th, 2003. Other than that 10 contact and your contacts in preparation for today's 11 deposition, has anyone else from American Airlines 12 contacted you to discuss this incident? 13 A No. 14 Q Has anyone from outside American Airlines, such 15 as a government agency or a law enforcement agency, 16 contacted you to discuss this incident? 17 A No. 18 Q When a passenger is removed from a flight or 19 denied boarding because of a perceived security concern, 20 ordinarily, how long will the denial of service last 21 before that person can fly again? 22 A To the extent you can -- can tell me that. 23 MR. FITZHUGH: I'm going to instruct the 24 witness not to answer the question to the extent it would 25 call for the disclosure of sensitive security information</p>

7 (Pages 22 to 25)

Craig Marquis

June 15, 2006

<p style="text-align: right;">Page 26</p> <p>1 within the purview of 49 CFR 1520.5. 2 If you can answer the question without 3 disclosing such information, you may try to. 4 A It varies. 5 Q Where is it recorded to let, you know, for 6 example, ticket counter personnel know that somebody 7 should not be allowed to travel on American Airlines? 8 MR. FITZHUGH: Is it for security issues 9 or -- 10 MR. KIRKPATRICK: Yes, yes. 11 MR. FITZHUGH: Okay. I'm going to instruct 12 the witness not to answer the question for the same 13 reasons as stated in my earlier instruction. 14 Q If a passenger is removed or denied boarding, so 15 that further investigation can be done to determine if 16 there is security risk and nothing threatening or unusual 17 is found, are they ordinarily rebooked on a later 18 American Airlines flight? 19 A Hypothetically? 20 Q Yes. 21 A Removed by who? 22 Q For example, if the flight crew thought somebody 23 was behaving suspiciously, they have that person removed 24 and some type of law enforcement agent investigated that 25 person and found that there was an innocent explanation</p>	<p style="text-align: right;">Page 28</p> <p>1 Q So, generally, the manager on duty in SOC would 2 verbally tell the CCRO the decision as to whether to 3 rebook or not, the CCRO would then input that information 4 into the computer system; is that right? 5 A That's correct. 6 Q When there is a security incident, such as the 7 one that happened in this case, do you, as the SOC 8 manager on duty, communicate directly with the crew 9 members, for example, the pilot ordinarily? I know you 10 don't know remember the specifics of this incident, but, 11 ordinarily, would you get on the phone with the pilot? 12 A In general, there are procedures in place where 13 the pilot contacts SOC, yes. 14 Q And is it the manager on duty the point of 15 contact for the pilot? 16 A Yes. 17 Q Other than communicating with the pilot, are 18 there other individuals that the manager on duty and SOC 19 would ordinarily be in communication with? 20 MR. FITZHUGH: Under what circumstances? 21 Q Under these circumstances, where a passenger has 22 been identified as potentially suspicious and there's 23 been a decision to remove the passenger, and the next 24 thing that happened is somebody contacts SOC manager on 25 duty. Under those circumstances, do you ordinarily have</p>
<p style="text-align: right;">Page 27</p> <p>1 for whatever was perceived as -- as suspicious, and said 2 this person does not pose a risk for the security of the 3 flight, would that passenger ordinarily be rebooked on a 4 later flight? 5 A Each event is decided on its own merit and 6 conditions and conduct. You're being very general. 7 Q I'm just wondering if there's a general rule. 8 A There is no general rule or guideline. You take 9 the combination of all the information for that specific 10 situation, you take your training, you take your 11 experience, and you make the decision. 12 Very generally, we're in the passenger 13 service business that carries passengers, we don't make 14 money if we leave everyone standing at the gate. 15 Q Is the decision whether a passenger should be 16 rebooked made by the SOC manager on duty? 17 A Yes. 18 Q Is there anybody else who has the authority to 19 make the decision that somebody should not be rebooked? 20 A No. 21 Q When you make a decision that a passenger should 22 not be rebooked, do you record the reason anywhere? 23 A We have a recording -- do you see the recordings 24 in that -- the CCRO enters, that's the recording data 25 that we use.</p>	<p style="text-align: right;">Page 29</p> <p>1 people that you communicate with? 2 A Well, there is no ordinary circumstance. 3 Q Okay. 4 A Every circumstance is different. It would be 5 very easy to check boxes and make every circumstance 6 ordinary. No event is ordinary. I can tell you that I 7 communicate with people at the station that are passenger 8 service people, ground security people, law enforcement 9 people, crew members, yes. 10 Q Okay. Just so we're clear, with respect to this 11 incident, you don't recall the specifics of anybody you 12 may have communicated with? 13 A That is correct. 14 Q Has American Airlines provided you with training 15 on carrying out your duties in a nondiscriminatory 16 manner? 17 A Yes. We have a very clear and strong 18 anti-discrimination policy, and I think it's a law. 19 Q Has the -- the substance of that training 20 changed since December 28, 2003? 21 A No. 22 Q Does American Airlines have set procedures and 23 protocols for how to respond if a member of a flight crew 24 thinks a passenger is suspicious? And I'm not asking you 25 for the details, but does American Airlines have such a</p>

8 (Pages 26 to 29)

Craig Marquis

June 15, 2006

<p style="text-align: right;">Page 30</p> <p>1 procedure or protocol in place?</p> <p>2 A No.</p> <p>3 Q Everything is handled on case-by-case basis?</p> <p>4 A That's correct.</p> <p>5 Q So the procedure is to contact SOC manager on</p> <p>6 duty, and then from there decisions are made about where</p> <p>7 it goes from there; is that right?</p> <p>8 A Not always. I mean, there's other people that</p> <p>9 make security decisions; it depends on the severity. I</p> <p>10 mean, as an example, they can find a bullet on board an</p> <p>11 aircraft on the ground. They're going to take the bullet</p> <p>12 off on their own, then they'll contact me. I haven't</p> <p>13 made that decision, but they have -- they're also</p> <p>14 trained. They, you know, everyone follows the exact same</p> <p>15 protocol, I mean, our training's the same, okay?</p> <p>16 Q And so the individuals involved in making those</p> <p>17 decisions could be the captain, could be ground security</p> <p>18 coordinator, could be any number of people?</p> <p>19 A As far as what decision?</p> <p>20 Q A decision whether a passenger should be removed</p> <p>21 and further screened because of some sort of --</p> <p>22 A No. You were talking in general before. A</p> <p>23 Captain or a GSE cannot remove a passenger. They cannot</p> <p>24 do that --</p> <p>25 Q Okay.</p>	<p style="text-align: right;">Page 32</p> <p>1 he's the in-flight coordinat -- you know, he's the</p> <p>2 in-flight guy, and then you have the ground guy.</p> <p>3 Everyone has the same training; everyone follows the same</p> <p>4 rules, as far as contacting goes.</p> <p>5 Q Okay. But it would be SOC -- if procedures were</p> <p>6 followed correctly, it would be the decision of the SOC</p> <p>7 manager on duty to remove a passenger for further</p> <p>8 questioning?</p> <p>9 A That's correct. And then that would be</p> <p>10 irregular if those procedures are not followed.</p> <p>11 Q Okay. And once that passenger was removed,</p> <p>12 let's say for further questioning by law enforcement</p> <p>13 officers on the ground, it would be the SOC manager on</p> <p>14 duty who would decide whether those passengers, once</p> <p>15 released by law enforcement, were either denied rebooking</p> <p>16 or were put on the next available flight?</p> <p>17 A In general, I wouldn't know the reason that the</p> <p>18 law enforcement officer would take a passenger off an</p> <p>19 aircraft.</p> <p>20 Q Okay. Let me clarify a little bit. If the</p> <p>21 decision was made, passenger should be removed --</p> <p>22 A By?</p> <p>23 Q Let's say the SOC manager on duty --</p> <p>24 A Okay.</p> <p>25 Q -- decides, you know, crew members have reported</p>
<p style="text-align: right;">Page 31</p> <p>1 A -- not without first contacting SOC.</p> <p>2 Q I see. And is the decision made by SOC manager</p> <p>3 on duty?</p> <p>4 A That's correct.</p> <p>5 Q Have you ever been contacted after that decision</p> <p>6 has already been made and a passenger has been removed?</p> <p>7 A Contacted by?</p> <p>8 Q Like the first time SOC hears about it, is after</p> <p>9 the decision has already been made and the passenger's</p> <p>10 been removed from the aircraft?</p> <p>11 A It may have happened once.</p> <p>12 Q Okay. But it would be an unusual circumstance?</p> <p>13 A Very unusual.</p> <p>14 Q The ground security coordinator does not have</p> <p>15 the authority to decide that a passenger should be</p> <p>16 removed for further questioning?</p> <p>17 A That's correct.</p> <p>18 Q And the same with respect to the captain?</p> <p>19 A That's correct.</p> <p>20 Q Does the captain have the authority to say that</p> <p>21 they don't want a particular passenger to fly on their</p> <p>22 airplane without consulting SOC?</p> <p>23 A No. The captain is the security coordinator</p> <p>24 onboard that aircraft. He is the security agent onboard</p> <p>25 that aircraft. As I'm the operational security manager,</p>	<p style="text-align: right;">Page 33</p> <p>1 some suspicious behavior, they've observed, something</p> <p>2 that raises some questions, let's have that passenger</p> <p>3 removed and let law enforcement investigate. Let's do</p> <p>4 the background check, let's check the watch list, et</p> <p>5 cetera, ask them some questions about, you know, what</p> <p>6 they're doing and where they're going. Once law</p> <p>7 enforcement is done, and let's say they become convinced</p> <p>8 that the behavior was innocent and there's no threat to</p> <p>9 safety, at that point, does the SOC manager on duty make</p> <p>10 the decision about whether that passenger should be put</p> <p>11 on the next available flight, or denied rebooking and</p> <p>12 given a refund?</p> <p>13 A That's walking on the border of SSI, so I cannot</p> <p>14 answer it.</p> <p>15 Q But certainly, the SOC manager on duty is one</p> <p>16 person that has the authority to make that decision,</p> <p>17 correct?</p> <p>18 A That's correct.</p> <p>19 Q And the pilot does not have that authority?</p> <p>20 A That's correct.</p> <p>21 Q What about anybody in customer service, would</p> <p>22 they have the authority to decide whether somebody should</p> <p>23 be booked -- rebooked or not?</p> <p>24 A No.</p> <p>25 Q Mr. Marquis, I'm going to hand you what's been</p>

9 (Pages 30 to 33)

Craig Marquis

June 15, 2006

<p style="text-align: right;">Page 34</p> <p>1 previously marked as Exhibit 10, and I'd ask you to 2 review the third entry on that page, subject, removal of 3 passengers. If you could just give that a quick read and 4 let me know when you're done. 5 A Which paragraph, I'm sorry? 6 Q The bottom one. The one where it starts, 7 subject, removal of passengers. 8 A How did you get this if it's confidential? 9 MR. FITZHUGH: Off the record. 10 (Off the record from 3:20 to 3:20 p.m.) 11 Q Mr. Marquis, looking at that third entry there 12 it -- it talks about reports of captains refusing to 13 accept certain passengers on flights because of the 14 passengers' ethnic or religious backgrounds; are you 15 aware of any such incidents? 16 A We've received calls, yes. 17 Q And when you say you've received calls, I 18 mean -- 19 A From captains. 20 Q From captains who were -- 21 A Concerns. 22 Q Okay. And how were those handled? 23 A The manager on duty discusses the concerns with 24 the captain. 25 Q And then if the manager on duty thinks that</p>	<p style="text-align: right;">Page 36</p> <p>1 whether a passenger can be denied service because of 2 generalized discomfort that the crew has with that 3 passenger? 4 A I agree with that letter, yes. 5 Q Is there anything that you would disagree with 6 in the letter you just read? 7 A No, sir. 8 Q Mr. Marquis, I'm going to hand you what's been 9 marked as Exhibit 17, and I would ask, again, that you 10 review the document. And let me know once you've taken a 11 look. 12 Mr. Marquis, do you agree that Exhibit 17 13 accurately reflects American Airlines' policy? 14 A I have never seen this before, but I agree with 15 most of this, and it does reflect the American Airlines' 16 thinking. 17 Q Is there anything you see in here that you 18 disagree with, or that you think is contradicted by your 19 understanding of American Airlines' policy, anything you 20 would take issue with? 21 A No. 22 Q Thank you. How often are you involved in 23 incidents in which a passenger is removed from a flight, 24 denied boarding, or refused service because of a security 25 concern?</p>
<p style="text-align: right;">Page 35</p> <p>1 there's not a problem, do they instruct the captain to 2 accept the passenger and transport them? 3 A Yes. 4 Q When it states that a pilot with questions 5 regarding particular passenger acceptance should contact, 6 it says the CCRO and it has a phone number there, is 7 that -- does that accurately state what a pilot should do 8 if it -- if the pilot has questions about a particular 9 passenger's acceptance? 10 A I believe that this is old, but it has 7299, 11 which is the CCRO position, which works on the podium 12 with myself. 13 Q Okay. 14 A So -- 15 Q So, generally, this -- 16 A -- if you can call any of those 12 numbers, then 17 that's just one. 18 Q Okay. Very good. I think I'm done with Exhibit 19 10. I'd like you to take a look at a document we've 20 previously marked as Exhibit 19. And you can just take a 21 moment to review that, and let me know when you're done. 22 A Okay. 23 Q Thank you. Mr. Marquis, does the letter marked 24 as Exhibit 19, does it accurately reflect your 25 understanding of American Airlines' policy regarding</p>	<p style="text-align: right;">Page 37</p> <p>1 A I can't say. 2 Q I mean, is that something that happens every 3 day, every week, every month? 4 A You have 2300 flights a day. I may go in 5 tomorrow and have none; I may go in tomorrow and have 6 ten. 7 Q Okay. 8 A There's no timetable for that. 9 Q Okay. 10 A I mean, you have times of the year where, you 11 know, there's holidays going on, red alerts, spring 12 break, you can understand. 13 Q Certainly. How many SOC managers on duty are 14 there? I know there's only one at a time, but how many 15 other people have the same responsibilities you do 16 when -- 17 A There's four MOD's -- 18 Q Okay. 19 A -- center manager MOD's. 20 Q I see. Have you been involved in any incidents 21 that resulted in a passenger complaining of 22 discrimination, other than this one? 23 A Yes. 24 (Interruption.) 25 A I'm sorry.</p>

10 (Pages 34 to 37)

Craig Marquis

June 15, 2006

<p style="text-align: right;">Page 38</p> <p>1 Q No problem.</p> <p>2 A I had turned it off once.</p> <p>3 Q We can take a break if you need to.</p> <p>4 A No, it's not necessary.</p> <p>5 Q Okay. How many incidents -- how many such</p> <p>6 incidents that resulted in some sort of discrimination</p> <p>7 complaint?</p> <p>8 A One.</p> <p>9 Q Can you describe for me what happened in that</p> <p>10 incident?</p> <p>11 A In general?</p> <p>12 Q Let's start in general.</p> <p>13 A A secret service agent was denied boarding.</p> <p>14 Q Any other incidents that resulted in</p> <p>15 discrimination complaint?</p> <p>16 A That's all.</p> <p>17 Q In that incident with the secret service agent,</p> <p>18 were you the person that made the decision that that</p> <p>19 passenger should be removed from the flight?</p> <p>20 MR. FITZHUGH: Objection, form, assumes</p> <p>21 facts not in evidence or established by the record.</p> <p>22 Can you answer the question?</p> <p>23 Q If you understand the question. In other words,</p> <p>24 were you the decision maker?</p> <p>25 MR. FITZHUGH: I think you should lay a</p>	<p style="text-align: right;">Page 40</p> <p>1 information that he obtained from law enforcement</p> <p>2 officers involved with the incident and other American</p> <p>3 Airlines' personnel. Is that statement accurate, as far</p> <p>4 as you know?</p> <p>5 A Yes.</p> <p>6 Q But you don't recall today speaking to the law</p> <p>7 enforcement officers or other American Airlines'</p> <p>8 personnel?</p> <p>9 A I do not recall, but those are things that we do</p> <p>10 before we made that decision.</p> <p>11 Q Okay. Thank you.</p> <p>12 A Yes, sir.</p> <p>13 Q I can take that back. Other than the CCRO on</p> <p>14 duty, I think we've established was Rhonda Cobbs, is</p> <p>15 there anybody else within SOC that you would turn to to</p> <p>16 work on an incident, such as the one we're discussing?</p> <p>17 A Yes.</p> <p>18 Q Who are those people?</p> <p>19 MR. FITZHUGH: I'm going to instruct the</p> <p>20 witness not to answer based upon it being SSL.</p> <p>21 MR. KIRKPATRICK: And I'm not, just to be</p> <p>22 clear, I'm not asking for their names in particular but</p> <p>23 their positions.</p> <p>24 MR. FITZHUGH: It doesn't matter. It would</p> <p>25 violate 49 CFR 1520, particularly the sections of that</p>
<p style="text-align: right;">Page 39</p> <p>1 better foundation. I think it's -- the first question</p> <p>2 you asked and he answered to, doesn't lead to the one you</p> <p>3 just asked.</p> <p>4 If you can answer the question, answer it.</p> <p>5 But otherwise -- I'll leave it up to you.</p> <p>6 A Can you read the question prior, please?</p> <p>7 (Reporter read requested testimony.)</p> <p>8 A Yes.</p> <p>9 Q Are you aware of any American Airlines' employee</p> <p>10 who has been disciplined for considering a passenger's</p> <p>11 race, color, national origin, or ethnicity in determining</p> <p>12 whether the passenger should be removed from a flight,</p> <p>13 denied boarding or refused service?</p> <p>14 A No.</p> <p>15 Q Mr. Marquis, I'm going to show you what's been</p> <p>16 previously marked as Deposition Exhibit 2. For the</p> <p>17 record, this is an American Airlines' answers to</p> <p>18 plaintiff's first set of interrogatories, and I'd like</p> <p>19 you to -- on Page 2, take a look at Interrogatory Number</p> <p>20 2 with the question and the response.</p> <p>21 A Okay.</p> <p>22 Q Okay. The statement that Mr. Craig Marquis made</p> <p>23 this decision, we're talking about the decision to refuse</p> <p>24 service to Mr. Cerqueira after he was released from</p> <p>25 questioning, Mr. Marquis made that decision based on</p>	<p style="text-align: right;">Page 41</p> <p>1 protocols, guidelines and implementation of security</p> <p>2 procedures. I'm instructing the witness not to answer</p> <p>3 the question for those, among other elements of that</p> <p>4 title of the Code of Federal Regulations.</p> <p>5 Q Do you have any recollection about whether, with</p> <p>6 regard to this incident, you interacted with anyone at</p> <p>7 SOC other than Rhonda Cobbs?</p> <p>8 A I do not recall.</p> <p>9 Q Just give me a moment to look at my notes.</p> <p>10 MR. FITZHUGH: No problem.</p> <p>11 MR. KIRKPATRICK: I think we're done.</p> <p>12 I pass the witness.</p> <p>13 (3:35 p.m.)</p> <p>14 EXAMINATION</p> <p>15 BY MR. FITZHUGH:</p> <p>16 Q Mr. Marquis, just a few questions about the</p> <p>17 incident you identified in response to Mr. Kirkpatrick's</p> <p>18 question about other customers complaining of</p> <p>19 discrimination. You recall your testimony on that point</p> <p>20 about the secret service agent?</p> <p>21 A Yes, sir.</p> <p>22 Q And was he removed from the flight, or was he</p> <p>23 denied boarding on the flight or do you recall?</p> <p>24 A He was denied boarding.</p> <p>25 Q So even though Mr. Kirkpatrick's question was</p>

11 (Pages 38 to 41)

Craig Marquis

June 15, 2006

<p style="text-align: right;">Page 42</p> <p>1 about whether he was re -- about passengers removed from 2 the flight, your answer, in fact, was about a situation 3 where a passenger was initially denied boarding? 4 A That's correct. 5 Q And with regard to the circumstances of his 6 being denied boarding, do you recall the decision you 7 made to deny him boarding? 8 A Yes. 9 Q And do you recall the reasons? 10 A Yes. 11 Q And without disclosing any SSI, describe why he 12 was denied boarding on a flight. 13 A Without disclosing SSI, it was due to his 14 conduct. 15 Q And was there an issue about him failing to 16 provide some documentation that would have been required? 17 A Yes. 18 Q And was this ultimately explained to those who 19 made inquiry of you as to the reasons for your decision? 20 A Yes. 21 Q And, to your knowledge, has that person ever 22 pursued an administrative or legal complaint based upon 23 your decision? 24 A No, sir. 25 Q And at any time in your decision-making process,</p>	<p style="text-align: right;">Page 44</p> <p>1 CHANGES AND SIGNATURE 2 CRAIG MARQUIS JUNE 15, 2006 3 PAGE LINE CHANGE REASON 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 43</p> <p>1 were you aware of the agent's ethnicity? 2 A No, sir. 3 MR. FITZHUGH: That's all I have. 4 MR. KIRKPATRICK: I have nothing further. 5 Thank you. 6 (Off the record at 3:37 p.m.) 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 45</p> <p>1 I, CRAIG MARQUIS, have read the foregoing deposition 2 and hereby affix my signature that same is true and 3 correct, except as noted above. 4 5 6 CRAIG MARQUIS 7 THE STATE OF) 8 COUNTY OF) 9 Before me, , on this day personally 10 appeared CRAIG MARQUIS known to me (or proved to me under 11 oath of through) (description of 12 identity card or other document) to be the person whose 13 name is subscribed to the foregoing instrument and 14 acknowledged to me that they executed the same for the 15 purposes and consideration therein expresses. 16 Given under my hand and seal of office this 17 day of , . 18 19 20 NOTARY PUBLIC IN AND FOR 21 THE STATE OF TEXAS 22 23 24 25</p>

12 (Pages 42 to 45)

Craig Marquis

June 15, 2006

<p style="text-align: right;">Page 46</p> <p>1 UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS</p> <p>2</p> <p>3 JOHN D. CERQUEIRA,) 4 Plaintiff) 5 V.) CIVIL ACTION NO. 05-11652-WGY</p> <p>6 AMERICAN AIRLINES, INC.,) 7 Defendant)</p> <p>8 REPORTER'S CERTIFICATE DEPOSITION OF CRAIG MARQUIS JUNE 15, 2006</p> <p>9 I, Thu Bui, Certified Shorthand Reporter in and for 10 the State of Texas, hereby certify to the following: 11 That the witness, CRAIG MARQUIS, was duly sworn by 12 the officer and that the transcript of the oral 13 deposition is a true record of the testimony given by the 14 witness; 15 That the deposition was submitted on June 22, 2006 16 to the witness or to the attorney for the witness for 17 examination, signature and return to my by July 12, 2006; 18 That the amount of time used by each party at the 19 deposition is as follows: 20 Mr. Michael T. Kirkpatrick - 01:03 21 Mr. Michael A. Fitzhugh - 00:02 22</p> <p>23 That pursuant to information given to the deposition 24 officer at the time said testimony was taken, the 25 following includes counsel for all parties of record:</p>	
<p style="text-align: right;">Page 47</p> <p>1 Mr. Michael T. Kirkpatrick, Attorney for Plaintiff Mr. Michael A. Fitzhugh, attorney for Defendant</p> <p>2</p> <p>3 I further certify that I am neither counsel for, 4 related to, nor employed by any of the parties or 5 attorneys in the action in which this proceeding 6 Was taken, and further that I am not financially or 7 otherwise interested in the outcome of the action. 8 Certified to by me this 22nd day of June, 2006. 9</p> <p>10</p> <p>11</p> <p>12 Thu Bui, CSR# 7618 Expiration Date: 12-31-07 Firm Registration No. 59 13 Collins Realtime Reporting 600 N. Pearl Street 14 Suite 640 Dallas, Texas 75201 15 Phone: 214-220-2449 16 17 18 19 20 21 22 23 24 25</p>	

13 (Pages 46 to 47)

Thu Bui, CSR Collins Realtime Reporting 214-220-2449